

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

SCDOI Docket # 06-0869

Monica M. Duckett
306 Rockvale Drive
Piedmont, SC 29673

**CONSENT ORDER
IMPOSING ADMINISTRATIVE PENALTY
AND SIX (6) MONTH PROBATION**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Monica M. Duckett, a resident producer licensed to transact business in the State of South Carolina.

Monica M. Duckett acknowledges that she was convicted of twenty-nine (29) counts of “Fraudulent Checks” which are considered “crimes of moral turpitude” and then failed to notify the Department of the disposition of her convictions. Monica Duckett also acknowledges that she has been transacting insurance business while her appointments were in an “inactive” status, but contends this was a result of an inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, this is a direct violation of South Carolina Code of Laws and can ultimately lead to the revocation or suspension of a producer license to transact the business of insurance in South Carolina.

Prior to the initiation of any administrative proceedings by the Department against Monica M. Duckett, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that, in lieu of the Department seeking to revoke the producer's license, she would waive her right to a public hearing and pay an administrative fine in the total amount of \$1000.00 and be placed in a probationary period of six (6) months. The administrative fine will be paid immediately and the probationary period will begin upon signing of this consent order.

After a thorough review of the record, carefully considering the recommendation of the parties, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Monica M. Duckett has violated S.C. Code § 38-43-50(B), S.C. Code § 38-43-130 (A) and S.C. Code § 38-43-247(A)(B). Although I can now revoke the producer's resident license, I hereby invoke the discretionary authority given to me, impose an administrative penalty against Monica M. Duckett in the total amount of \$1000.00, and be placed in a probationary period of six (6) months. That fine must be paid as prescribed in the preceding paragraph. If that total fine

amount is not timely paid, the producer's resident license will be revoke without any further disciplinary proceedings. If Monica M. Duckett is found to be in violation of any of the State's insurance laws within the probationary period, all of his licensing priveleges will be immediately revoked without further disciplinary proceedings.

This fine has been reached by the parties as a result of negotiation and compromise, and in consideration of Monica M. Duckett's assurance that she will comply with all statues and regulations of this Department. This penalty includes all expenses related to investigation of this matter as provided in § 38-13-70 of the South Carolina Code. The parties expressly agree and understand payment of the agreed-upon penalty constitutes full accord and satisfaction of this matter. By the signature of Monica M. Duckett upon this consent order, she acknowledges this administrative order as a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2000).

Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (Supp. 2004).

THEREFORE, it is ordered that Monica M. Duckett shall, pay through the South Carolina Department of Insurance an administrative fine in the total amount of \$1000.00 and be placed in a probationary period of six (6) months..

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately be notified of this consent order.

This consent order becomes effective as of the date of my signature below.

24
31
Dated this 31 day of March 2007
Columbia, South Carolina


Scott H. Richardson
Director of Insurance

I CONSENT TO THE FOLLOWING ORDER AND WILL COMPLY AS AGREED:

Monica M. Duckett
Signature

Monica M. Duckett
Printed Name

Insurance Agent
Title

Monica M. Duckett
306 Rockvale Drive
Piedmont, SC 29673

Dated this 31st day of March 2007.